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A REVIEW OF REGIONAL AGENCIES IMPACTING REGIONAL WATER QUALITY MANAGEMENT

MIAMI VALLEY REGIONAL PLANNING COMMISSION

PREPARED FOR
ENVIRONMENTAL PROTECTION AGENCY

MARCH 1976

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16. Abstracts

The functions and responsibilities of five regional (multi-jurisdictional) agencies in the Miami Valley (Ohio) area are described. Their current programatic relationship to wastewater management, water supply, land use, solid waste, storm water, flood control, water quality, and transportation issues are presented in a narrative outline form. The activities of each agency as well as the relationships between and among other local, regional, state, and federal agencies are set forth. The information is to be used in the development and implementation of the Section 208 (PL 92-500) areawide waste treatment management plan.

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A REVIEW OF REGIONAL AGENCIES IMPACTING REGIONAL WATER QUALITY MANAGEMENT

M 3

March, 1976

Miami Valley Regional Planning Commission
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Approved by the Water Resources Committee
on February 24, 1976

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PREFACE

This report, A Review of Regional Agencies Impacting Regional Water Quality Management, is one of a series of eight reports which together provide background information necessary for the development of the management component of the Section 208 Areawide Water Quality Management Plan and program being developed by the Miami Valley Regional Planning Commission (MVRPC).

In June, 1974, the MVRPC received a two-year grant from the United States Environmental Protection Agency for the purpose of preparing an areawide water qualtiy management plan for the five county region - Darke, Greene, Miami, Montgomery and Preble Counties - as specified under Section 208 of the Federal Water Pollution Control Act Amendments of 1972. In February, 1975, the MVRPC retained the services of Linton and Company, Incorporated to assist in the development of the management component of that plan. Since that time the respective staffs have worked to develop an informational background needed to determine the management alternatives which will fit the technical alternatives selected toward solutions of present and potential water quality problems.

The reader will find that one report may reference one or more reports in this series. Because each report is quite detailed it was felt that referencing another report rather than recapitulating its contents was the easiest course. The other seven reports in this series are:

Experience and Potential for Regional Water Quality Management

Financial Critical Factors Analysis

Legal Critical Factors Analysis

A Review of Local Agencies Impacting Regional Water Quality Management

A Review of Federal Programs Impacting Regional Water Quality Management

A Review of State Agencies Impacting Regional Water Quality Management

A Review of Critical Factors Impacting Regional Water Quality Management

INTRODUCTION

The purpose of this report is to describe the functions and responsibilities of the five regional agencies currently operating within or including the area to be covered by the Areawide Water Quality Management Plan being prepared by the Miami Valley Regional Planning Commission (MVRPC) pursuant to Section 208 of the Federal Water Pollution Control Act Amendments of 1972 (FWPCAA).

The information on the regional agencies was gathered through personal and telephone interviews as well as through a review of agency publications, during the period July-October, 1975. Participating in this effort were staff members from MVRPC and Linton & Company, Inc.

Following an Overview, which summarizes the activities of the regional agencies, individual synopses for each of the five agencies are presented.

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Overview of Regional Agency Programs

Five organizations in the Miami Valley Region administer programs or are involved in activities on a multi-jurisdictional basis. They are:

1. MVRPC - Miami Valley Regional Planning Commission
2. MCD - Miami Conservancy District
3. RAPCA - Regional Air Pollution Control Agency
4. HPC - Health Planning Council
5. TCC - Transportation Coordinating Committee

This report examines existing agency responsibilities and programs to better describe the relationship of regional agencies to the development and implementation of the Section 208 areawide waste treatment management plan. Information on both aspects is condensed in tabular form and included with a short statement on relevant programs. Included as well is an examination of the services offered by the regional agencies to local governments. A discussion of the formal and informal relationships between regional agencies concludes the overview.

Waste Water Management

At the regional level, MCD is directly involved in the wholesaling of waste treatment services at its Franklin Regional Treatment Plant, an integrated facility handling domestic sewage, industrial waste, and liquid residuals. The Franklin plant serves the City of Franklin, and the construction of the Twin Creek interceptor project will enable the MCD to serve in addition, the Counties of Warren and Montgomery, and the communities of Germantown, Carlisle and Chautauqua. The MCD has completed a Step 1 facility plan for its proposed North Regional plant, and will, in 1976, begin work on the Step 2 plan for that facility. In addition, MCD has recently let bids on the construction of a facility in Pleasant Hill (Miami County), the construction, and operation & maintenance of which it will supervise. No extensive work has been done on regional sewer systems, although MVRPC does prepare county-wide sewer system plans of a policy nature at the request of its members. The majority of sewer and treatment plant operations are conducted by counties and municipalities. RAPCA and the HPC only become involved to the extent that each participates in the A-95 review and comment process - RAPCA on matters which may affect air quality and HPC on water and sewer project applications.

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Table A - Waste Water Treatment Systems

	MVRPC	MCD	RAPCA	HPC	TCC
Sewer					
planning	x	x			
const.		x			
Operation & Maintenance		x			
Treatment Plant					
planning		x			
const.		x			
Operation & Maintenance		x			
Review & Comment	x	x	x	x	

Water Supply

None of the five agencies interviewed has active programs in this area. The MVRPC prepares plans of a policy nature for water supply when asked to do so. The MCD's involvement is only indirect, since it does lease District land to three municipalities for water supply purposes. HPC again, is only involved to a minor extent; it does participate in the A-95 review of water projects.

Table B - Water Supply Systems

	MVRPC	MCD	RAPCA	HPC	TCC
Planning	x				
Const.					
Operation & Maintenance					
Review	x	x		x	

Land Use

The MVRPC plays the major role in regional land use planning in the designated 208 area.* MCD has, in conjunction with its flood control programs, acquired land within the flood plains it manages. MCD also provides technical assistance to local communities in developing flood plain zoning ordinances and reviews building permits for proposed construction in flood plains. The RAPCA as mentioned earlier is involved in the A-95 review when a project is likely to affect land use and, in turn, air quality. The TCC is involved in land use through its transportation planning land use models as well as the assistance it offers local government in assessing the impacts of major developments on local transportation systems.

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* - It produces local and regional comprehensive plans. Local comprehensive land use plans are prepared under contract by MVRPC for individual governmental units.

Table C - Land Use Activities

	MVRPC	MCD	RAPCA	HPC	TCC
Zoning Regulations	x				
Subdivision Regulations	x				
Comprehensive Plans	x				x
Land Acquisition		x			
Review & Comment	x	x	x		
Technical Assistance	x	x			x

Solid Waste

Regional programs in solid waste control are limited to policy planning by the MVRPC and critical reviews by the MVRPC, the MCD, and the RAPCA. Disposal programs are run primarily at the county and municipal level. The MCD is involved to the extent that it worked with local government and private industry on the establishment of the solid waste recovery facility at its Franklin plant site.

Table D - Solid Waste Activities

	MVRPC	MCD	RAPCA	HPC	TCC
Planning	x				
Const.					
Operation & Maintenance					
Review	x	x	x		

Storm Water

As in the area of solid waste disposal, storm water programs at the regional level are exclusively in the planning category. For example, the MCD is addressing storm water as a pollution problem in the development of the 208 area-wide waste treatment management plan. The District in one instance, in 1962, constructed a pumping station in Piqua for storm water control purposes. The MVRPC does a limited amount of policy planning in storm water management. The TCC is involved in storm water to the extent that it reviews for the State of Ohio the short-and long-term impacts of federally-assisted transportation projects. These reviews include impacts of highway construction - i.e., sedimentation - as well as impacts of highway use - i.e., pavement runoff. Urbanization in the Dayton metropolitan area has made storm water problems there noticeable, but the majority of the region is still semi-urban or rural, and natural drainage is rapid enough to eliminate standing water as a potential problem.

Table E - Storm Water Control

	MVRPC	MCD	RAPCA	HPC	TCC
Planning	x	x			
Const.		x			
Operation & Maintenance		x			
Review	x	x			x

Flood Control

The MCD operates the largest flood control system in the region, with facilities and projects in all counties except Darke. The MCD administers whatever rules and regulations it determines are necessary to safeguard Miami Valley citizens and prolong the operational life of the facilities. The District also oversees several beneficial uses, related to the system, particularly recreation areas. The MVRPC is also active in flood control programs by assisting communities to qualify for the HUD flood insurance program.

Table F - Flood Control

	MVRPC	MCD	RAPCA	HPC	TCC
System Planning		x			
Const.		x			
Operation & Maintenance		x			
Review	x	x			
Flood Plain Zoning	x	x			

Water Quality

Water quality sampling and monitoring programs within the region are conducted primarily by the MCD (See the District's synopsis for a list of programs). Well monitoring and septic tank testing -- water quality programs on a much smaller scale -- are carried out by counties and municipalities. Although the HPC has prepared reviews of water quality regulations in the region, these were primarily for internal use.

Table G - Water Quality

	MVRPC	MCD	RAPCA	HPC	TCC
Sampling		x			
Monitoring		x			
Recharging					
Review	x				

Transportation

Transportation programs have definite impacts on water quality; regional planners must anticipate the effects new transportation programs will have on areawide water quality during and after construction. At the regional level MVRPC, RAPCA and MCD.review the plans of transportation planning organizations like TCC. At the present, however, there is no concerted regional effort to link transportation and water quality planning on a continuing basis.

Table H - Transportation

	MVRPC	MCD	RAPCA	HPC	TCC
Planning					x
Const.					
Operation & Maintenance					
Review	x	x	x		

Current Areawide Efforts

The most significant water quality-related example of regional effort in the Valley is the 208 Areawide Management Plan being produced by the MVRPC, with the assistance of MCD, and a private consultant, Linton & Company, Inc. The planning objective is to draft a practical blueprint for areawide water quality management that includes structural and nonstructural control measures administered and improved as the need arises by the agency or agencies charged with carrying it out. To realize this objective, planning and implementing programs in the eight functional areas may potentially be more closely integrated.

One step towards this end is being taken formally through the A-95 process. The MVRPC, the regional A-95 clearinghouse, receives proposals for federal funds from governments and agencies in the region; it reviews them to see if they conflict, complement, or duplicate other requests for assistance; and when overlap or conflict exists, MVRPC meets with the parties involved and resolves the differences that exist. The process includes soliciting comments from other agencies as well, hence the frequent addition of RAPCA, HPC and TCC to the "Review" column in the tables. The A-95 review program and the 208 areawide planning effort are two activities most directly related to region-wide water quality management in the Valley.

Similar efforts, although not as comprehensive, have been undertaken by the Miami Conservancy District. For example, in 1975, MCD started work on the sixth phase of its official plans. The purpose of Phase VI is to continue earlier efforts in collecting and disseminating water quality data on the Great Miami River Basin to provide for the development of a regional surface water quality management program.

All of the agencies reviewed in this report are involved in programs with the governments in the region. However, many of the functional areas dealt with seem relatively minor at the regional level because the operation and implementation responsibilities are primarily at the local level. At the present time, regional operating responsibilities are for the most part either apparently unnecessary, impractical or unwanted. This is the case in the areas of water supply, storm drainage, solid waste, and for the most part, waste water treatment management. An exception to this are the various instances in which MCD has been requested by units of local government to provide waste treatment services. The five regional agencies examined here function as outside planning and consulting bodies to local governments working in these four areas. Their technical knowledge and staff are often needed and requested to produce practical arrangements which the local units can then implement and maintain.

HEALTH PLANNING COUNCIL OF THE GREATER MIAMI VALLEY (HPC)

I. GEOGRAPHIC JURISDICTION

The geographic jurisdiction of the HPC currently includes seven counties: Clinton, Darke, Greene, Miami, Montgomery, Preble and Shelby. The size has remained constant since 1966.

Any change would occur through administrative negotiations with the Ohio Department of Health which has charge of the health districts in the state.

A change in the size of the HPC's area as well as a change in its duties is foreseen if it applies for and receives designation as a health service agency under the provisions of PL 93-641, Comprehensive Health Planning.

II. BASIS OF AUTHORITY

The HPC derives its activities and purpose from various sections of federal laws. It has retained its present form, that of an areawide comprehensive health planning agency, since its establishment in 1966 under PL 89-749, and later PL 90-174. The predecessor of HPC was the Hospital Planning Council for Montgomery County.

Section 221 of PL 92-603 changed the HPC's authority by granting it local review power on capital expenditures in excess of $100,000 for major health care facilities.

A fuller description of how this legislation affected the HPC is taken from the Regional Health Services Plan (September, 1973):

> Within the last year, the capability of HPC to effectively influence community health affairs has been greatly strengthened. One source of this increased authority is PL 92-603. This legislation required that health care facilities who wish to receive Medicare or Medicaid reimbursement must obtain the review and approval of the appropriate areawide and state comprehensive health planning agencies before they can undertake projects which involve 1) capital expenditures of $100,000. or more, 2) a change in bed capacity, or 3) a significant alteration in the scope or nature of the services they render. A similar policy was implemented by Blue Cross of Southwest Ohio in regard to facilities

seeking Blue Cross reimbursement. The practical effect of these two developments is to require advance HPC approval of all significant proposals made by health care facilities in the Greater Miami Valley. (page iii)

Recently enacted PL 93-641 will create health service agencies which will serve as comprehensive health planning agencies. Should the HPC be designated a health service agency (HSA), it will apparently have significantly expanded duties in the health care facility and program field. This supposition is made by reading the legislation and its implementing guidelines. These sources are vague about the increased or decreased emphasis an HSA will have in environmental health matters.

Currently the HPC is not authorized to provide services to areas outside its geographical jurisdiction; however, it might engage in informal cooperative kinds of arrangements when necessary.

III. AREAWIDE WATER QUALITY RELATED FUNCTIONS

The primary activities of the HPC are coordinative and planning in their nature.[1] The thrust is toward efficiency in the provision of facilities and services and the containment of cost through avoiding duplication of effort as it manifests itself in applications, which the HPC reviews, for funding plans and programs.

According to the administrator of HPC's environmental health section, water quality and more general environmental health topics are a relatively small part of the Council's activities.

The chief on-going environmental health activity is HPC's provision of technical assistance through the A-95 review system. In the case of a water or sewer matter, the HPC environmental health staff person, who is one in number, will check with the city, village, or county health department serving the particular jurisdiction to discover the availability of services and their suitability for the project in question.

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[1] Two HPC reports are notable:
i) Regional Health Services Plan, September, 1973.
ii) Evaluation of Environmental Health Regulations as Carried out by Local Health Departments, August, 1974.

The following generalized description of the HPC's environmental activities comes from the Regional Health Services Plan (pages 52-53).

> The review and comment process has been an effective method for influencing decision making in certain areas of environmental health programming. Starting from a consideration of specific projects, the HPC has often been able to deal with broader community concerns, such as sewage treatment and water supply. In several instances, it has persuaded applicants to modify projects so that the broader concerns were considered.
>
> Special Studies
>
> Over the last two years, the Health Planning Council has been collecting and studying the environmental health regulations and ordinances currently in force throughout the seven counties of the region. This survey is a long-term effort to compare the scope of local regulations with state and national guidelines. Wherever gaps are found, there is potential for future program development.
>
> Technical Assistance
>
> In some instances, the Health Planning Council has helped local health departments develop new environmental health programs. This has included assistance with the various aspects of problem definition, including the development and conduct of specialized surveys. The Health Planning Council also assists in preparing background statements and "white papers" for presentation to community decision makers. HPC involvement in the development of food establishment programs in local health departments is a specific example of the HPC providing technical assistance in a particular program area.

One special project which HPC undertook and completed was a review of the water quality and water supply programs of the area jurisdictions. The report was prepared chiefly for the purpose of informing the staff; it had no wide distribution nor was its intent greater than informing the HPC staff.

The HPC has an extensive committee structure (Figure I) through which it conducts its reviews. According to the environmental health administrator, the HPC currently has task forces which are working on internal concerns involving expediting A-95 reviews, developing adequate environmental health data for the reviewing process, and analyzing the possible consequences of pending legislation on the provision of health care facilities and services in the Miami Valley.

There is no agency in the Miami Valley which duplicates the HPC's activities. However, in the field of environmental health, e.g., air and water pollution, there are agencies which have overlapping areas of interest in environmental concerns, such as the Regional Air Pollution Control Agency (RAPCA) and the Ohio Environmental Protection Agency (OEPA). The latter agencies, unlike the HPC, do have regulatory authority.

Other Functions

As previously stated the HPC is chiefly concerned with the provision of individual health care services; however, the environmental health section deals with such subjects as water supply and air pollution by gathering information which is used in the review process.

Present and Future Water Resource Programs and Plans

The HPC environmental health section foresees maintaining and perhaps, through internal reordering of data management, increasing its A-95 capacity.

IV. SIGNIFICANT DIFFERENCES BETWEEN STATUTORY AND CONSTITUTIONAL AUTHORITY AND ACTUAL OPERATION RESPONSIBILITIES

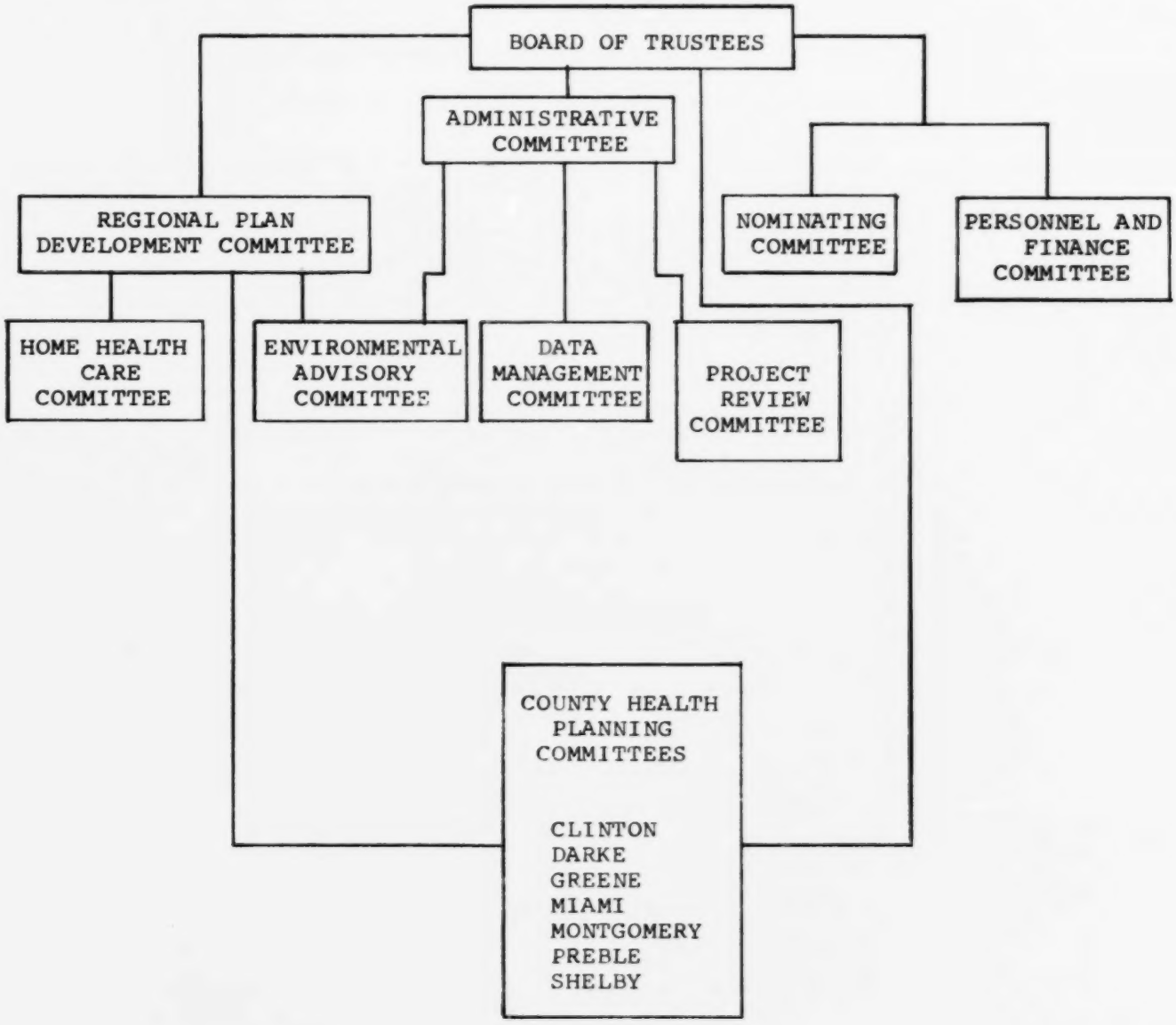
None known.

V. MAJOR LEGAL AND ADMINISTRATIVE CONSTRAINTS ON FINANCING AND STAFFING

Funding - Because the HPC is funded 50 percent local matched by 50 percent federal, the size of the budget is constrained by the local contribution. The staff felt that time spent seeking local funds was a constraint on its duties. Local funds include those from agencies such as Blue Cross/Blue Shield.

Figure I

HEALTH PLANNING COUNCIL OF THE GREATER MIAMI VALLEY



Source: HPC, 10/75

Staffing - The HPC environmental health section has one person handling several committees and the seven counties. A one person staff has difficulty handling all tasks effectively.

VI. RELATIONSHIPS WITH OTHER RESOURCE ORGANIZATIONS

(Note - These relations are only for the HPC's environmental health section.)

A. Local - City and County

The HPC environmental health section has little formal contact with the local health districts. On an informal basis, local health districts may be consulted for information when the HPC staff prepares an A-95 review.

The HPC has an extensive committee structure, which tries to maintain the same composition as the HPC Board, namely about 49 percent are health care providers and 50 percent are consumers. Staff of local health districts are invited to serve on the committees (see Figure II). The committees have practically no affect on water quality management decisions or policy in the Miami Valley.

B. Multi-County and Regional

Staff representatives of the Regional Air Pollution Control Agency (RAPCA), the Miami Conservancy District (MCD), and the Miami Valley Regional Planning Commission (MVRPC) serve on the HPC's Environmental Health Advisory Committee. Reciprocally, the HPC has staff serving on these agencies committees, where they exist. These arrangements are considered informal.

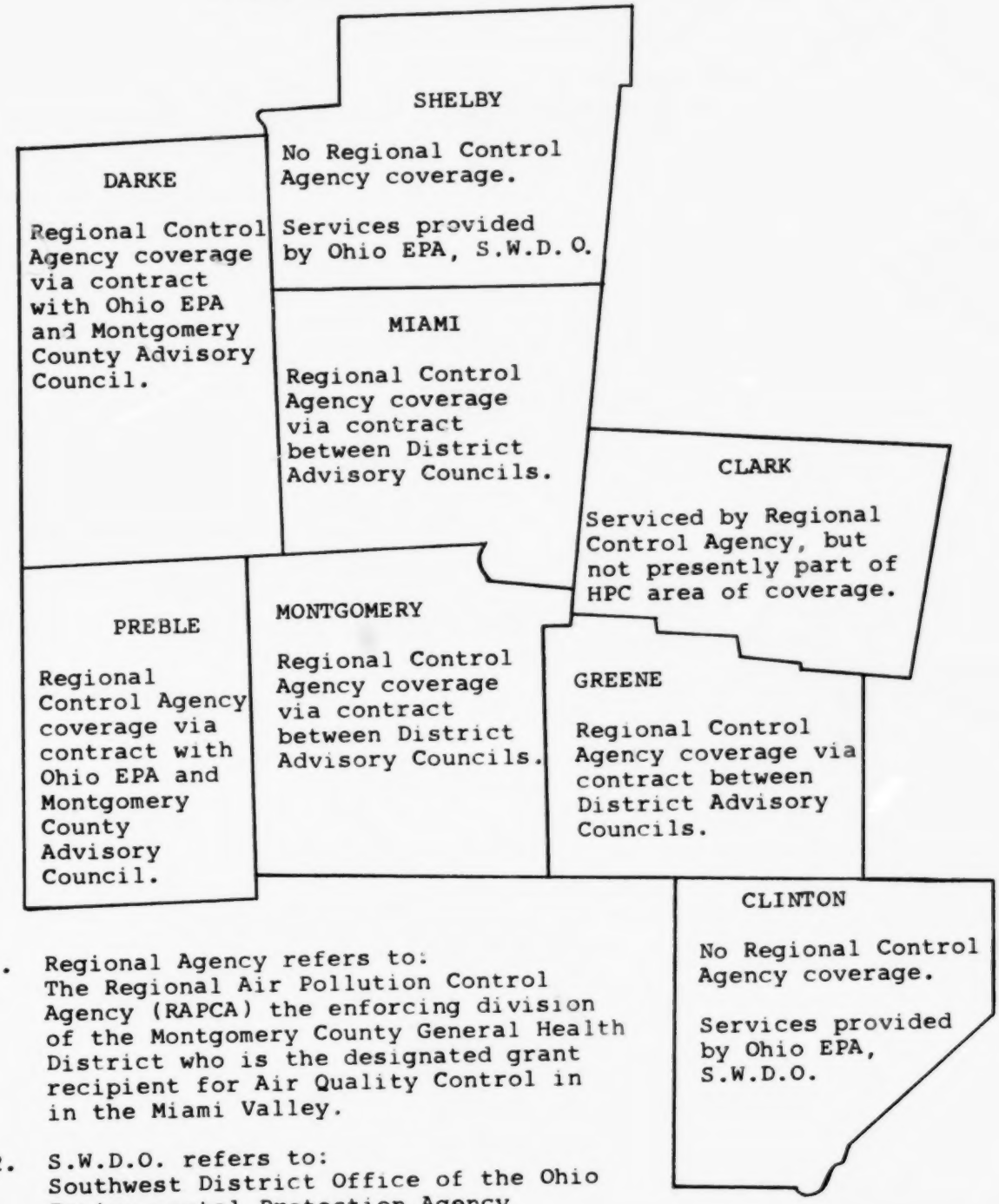
C. State

The Ohio Department of Health has a formal role in reviewing the HPC's overall planning and programming.

The Ohio Environmental Protection Agency (OEPA) assists the HPC in an informal way by having staff from the Southwest District office in Dayton serve on the Environmental Health Advisory Committee and by providing data upon request.

Figure II

AIR QUALITY CONTROL REGION
IN THE HEALTH PLANNING COUNCIL AREA


SHELBY
No Regional Control Agency coverage.
Services provided by Ohio EPA, S.W.D.O.
DARKE
Regional Control Agency coverage via contract with Ohio EPA and Montgomery County Advisory Council.
MIAMI
Regional Control Agency coverage via contract between District Advisory Councils.
CLARK
Serviced by Regional Control Agency, but not presently part of HPC area of coverage.
PREBLE
Regional Control Agency coverage via contract with Ohio EPA and Montgomery County Advisory Council.
MONTGOMERY
Regional Control Agency coverage via contract between District Advisory Councils.
GREENE
Regional Control Agency coverage via contract between District Advisory Councils.
CLINTON
No Regional Control Agency coverage.
Services provided by Ohio EPA, S.W.D.O.

1. Regional Agency refers to:
   The Regional Air Pollution Control Agency (RAPCA) the enforcing division of the Montgomery County General Health District who is the designated grant recipient for Air Quality Control in in the Miami Valley.

2. S.W.D.O. refers to:
   Southwest District Office of the Ohio Environmental Protection Agency located at 40 South Main Street, Dayton, Ohio.

Source: Dayton-Montgomery County Combined General Health District from the Evolution of Environmental Health Regulations As Carried Out by Local Health Departments, August, 1974.

D. Federal

The HPC has a formal relationship with the Department of Health, Education and Welfare (HEW) which provides the 50 percent federal funding share.

MIAMI CONSERVANCY DISTRICT (MCD)

I. GEOGRAPHICAL JURISDICTION

The Miami Conservancy District (MCD) is a 360 square mile area located in the Great Miami Watershed. The only change in jurisdiction since 1970 occurred with the addition of the Clear Creek Watershed Subdistrict for the purpose of flood control. The District now includes all or part of nine counties within its borders: Butler, Clark, Greene, Miami, Montgomery, Preble, Shelby, Warren, and Hamilton. Greene, Miami, Montgomery, and Preble counties are included in the 208 study area.

II. BASIS OF AUTHORITY

The Miami Conservancy District was created in 1915 after the acceptance of a petition to the Court of Common Pleas (case #36847).

According to the Ohio Revised Code (ORC) Section 6101.04, conservancy districts may be established for any or all of the following purposes:

(A) Preventing floods;
(B) Regulating stream channels by changing, widening, and deepening (them);
(C) Reclaiming or filling wet or overflowed lands;
(D) Providing for irrigating where ...needed;
(E) Regulating the flow of streams and conserving the waters thereof;
(F) Diverting or...eliminating (wholly or partially) water courses;
(G) Providing a water supply for domestic, industrial, and public use;
(H) Providing for the collection and disposal of sewage and other liquid waste within the district, and
(I) Arresting erosion along the Ohio shore line of Lake Erie.[1]

An examination of the Conservancy District act (ORC, Chapter 6101) leads to the conclusion that a conservancy district is not, upon creation, automatically endowed with the nine aforementioned purposes. Rather, these purposes must be specifically stated in the petition to the Conservancy Court (Court of Common Pleas). Section 6101.05 of the ORC states that the petition shall include "the necessity for the proposed work, ... (the assurance) that it will be conducive to the public health, safety, convenience, or welfare,...(and) a general description of the purpose of the contemplated improvement."

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[1] This last purpose is not applicable to the Miami Conservancy District.

Preceeding the list of purposes, Section 6101.04 states that a conservancy district may be organized "for any (emphasis added) of (these)...purposes." It also states that "the purposes of a district may be altered by the same procedure (that provides)...for the establishment of such a district." This latter clause would be superfluous if a conservancy district were automatically endowed with the nine stated purposes. Finally, Section 6101.13 states in part that "...the board of directors of a conservancy district shall prepare a plan for such part or parts of the improvements for which the district was created..." Construing these three sections together thus implies that conservancy districts are created for only those purposes enumerated in their petitions.

Pursuant to the original 1915 court order of the Court of Common Pleas of Montgomery County, the Miami Conservancy District was formed for the purpose of "preventing of floods in the valley of the Great Miami River and its tributaries." From this stated purpose,[2] however, many powers can reasonably be implied. In addition, Sections 6101.01 to 6101.84, inclusive, expressly grant numerous powers to conservancy districts and the the boards of directors thereof. Furthermore, the Water Conservation Subdistrict of the Miami Conservancy District (See, Subdistricts), which includes more than the territory of the main District, expands the purposes and authorities of the latter. One of the stated purposes of the Subdistrict is to "(provide) for the collections and disposal of sewage and other liquid wastes produced within the subdistrict."

The district is empowered under a broad range of statutes (ORC, Chapter 6101) to enable it to accomplish its stated purposes and enforce compliance with its decisions. These include the right to exercise eminent domain (ORC, Section 6101.17), the power to condemn property (ORC, Section 6101.18), the power to obtain easements (ORC, Section 6101.12), the authority to charge for improvements (ORC, Sections 6101.31, .32), the authority to issue bonds (ORC, Section 6101.47), and the broad power to "...make and enforce such rules and regulations as it (the district) deems necessary and advisable (ORC, Section 6101.19)."

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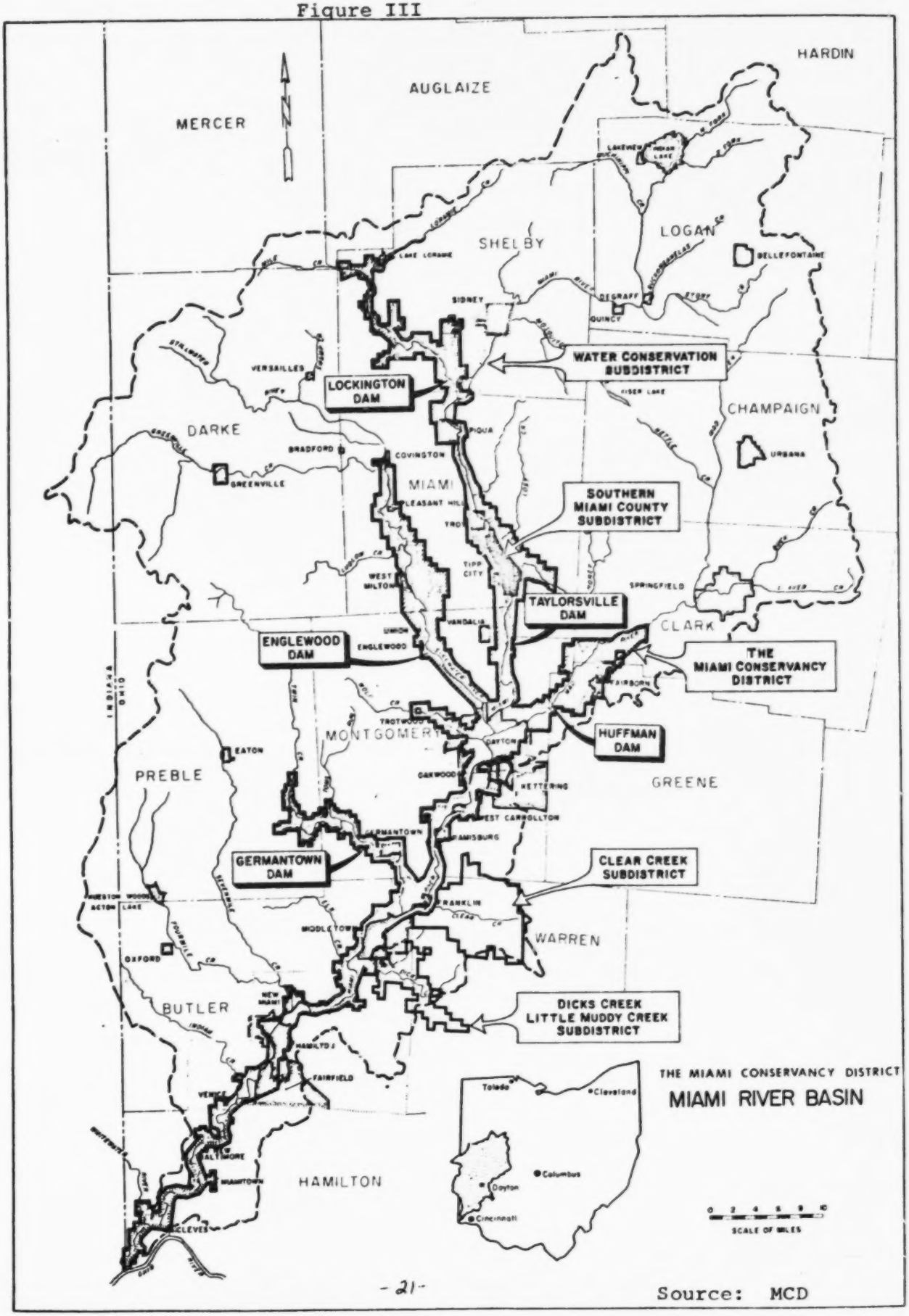
[2] See, Section 6101.80 of the ORC calling for a "liberal construction" of the Conservancy Districts.

Figure III



Source: MCD

Under ORC Section 6101.19 the board of directors can exercise these latter powers:

> (1) To protect and preserve the works, improvements, and properties owned or controlled by the district, prescribe the manner of their use by public corporations and persons, and preserve order within and adjacent thereto;
>
> (2) To prescribe the manner of building bridges, roads, or fences or other works in, into, along, or across any channel, reservoir, or other construction of the district;
>
> (3) To prescribe the manner in which ditches, sewers, pipe-lines, or other works shall be adjusted to or connected with the works of the district or any watercourse therein and the manner in which the watercourses of the district may be used for sewer outlets or for disposal of waste;
>
> (4) To prescribe the permissable uses of the water supply provided by the district and the manner of its distribution, and to prevent the pollution or unnecessary waste of such water supply;
>
> (5) To prohibit or regulate the discharge into the sewers of the district of any liquid or solid wastes deemed detrimental to the works and improvements of the district.

These rules must not be inconsistent with the laws of the state or the rules and regulations of the director of environmental protection.

To extend the district's operating flexibility, ORC Section 6101.15 empowers the board of directors of a conservancy district to.

> (A) Clean out, straighten, widen, alter, deepen, or change the course or terminus of any ditch, drain, sewer, river, watercourse, pond, lake, creek, or natural or artificial stream located in or out of said district;
>
> (B) Fill up any abandoned or altered ditch, drain, sewer, river, watercourse, pond, lake, creek, or natural or artificial stream, and concentrate, divert or divide the flow of water in or out of said district;

(C) Construct, acquire, operate, and maintain main and lateral ditches, sewers, canals, levees, dikes, dams, sluices, revetments, reservoirs, holding basins, floodways, wells, intakes, pipe-lines, purification works, treatment and disposal works, pumping stations and siphons, and any other works and improvements deemed necessary to accomplish the purposes of the district or to construct, preserve, operate, or maintain such works in or out of said district.

Sections 6101.01 to 6101.84, inclusive, of the Revised Code do not limit the authority of public corporations to install, maintain, and operate sewerage systems and water-works systems as otherwise permitted by law; but the board shall have full power to require the use of the improvements constructed or acquired by the district for the purpose of water supply or the collection and disposal of sewage and other liquid wastes by the public corporations and persons within the district for which such improvements were installed.

(D) Afforest lands owned by the district;

(E) Install improvements on lands owned or controlled by the district for the proper maintenance thereof, or for the purpose of preventing or minimizing damage to the works and improvements of the district;

(F) Construct connections to the works of the district for the delivery of a water supply therefrom or for the delivery of sewage and other liquid wastes thereto;

(G) Construct or enlarge any bridges that may be needed in or out of said district;

(H) Construct or elevate roadways and streets;

(I) Construct any of said works and improvements across, through, or over any public highway, canal, railroad right of way, track, grade, fill, cut, or other public or private property located in or out of said district;

(J) Remove or change the location of any fence, building, railroad, canal, or other structure or improvement located in or out of said district, but if it is not feasible or economical to move any building, structure, or improvement situated in or upon lands required by the district and if the cost to the district determined by the board to be less than that of purchase or condemnation, the board may acquire land and construct, acquire or install, therein or upon buildings, structures, or improvements, similar in purpose, to be exchanged for the aforementioned buildings, structures, or improvements under contracts entered into between the owner thereof and the district;

(K) Hold, encumber, control, acquire by donation, purchase, or condemnation, construct, own, lease, use, and sell real and personal property, and any easement, riparian right, railroad right of way, canal, cemetery, sluice, reservoir, holding basin, mildam, water power, wharf, or franchise in or out of said district for right of way, holding basin, location, or protection of works and improvements, relocation of communities and of buildings, structures, and improvements situated on lands required by the district, or for any other necessary purpose, or for obtaining or storing material to be used in constructing and maintaining said works and improvements;

(L) Replat or subdivide land, open new roads, streets, and alleys, or change the course of an existing one, and install therein improvements to replace those in the former roads, streets, or alleys,

(M) Procure insurance against loss to the district by reason of damage to its properties, works, or improvements resulting from fire, theft, accident or other casualty or by reason of the liability of the district for any damages to persons or property occurring in the operation of the works and improvements of the district or the conduct of its activities;

(N) Do all things necessary or incident to the fulfillment of the purposes for which the district is established

The mechanism by which a conservancy district carries out activities to achieve the purposes for which it was established is the "official plan". The "official plan" provides the framework for district operations. Authorized pursuant to Section 6101.13, the official plan is considered the implementation mechanism by the Miami Conservancy District. For example, the District's Phase VI is the approved plan for the continuation of earlier water quality monitoring and management efforts. Section 6101.80, the "liberal construction" provision, provides the MCD with a basis for arguing for the inclusion of certain activities in the official plan considered necessary for plan implementation.

III. OVERALL FUNCTIONS OF THE MIAMI CONSERVANCY DISTRICT

A. Water Quality

The MCD's role in water quality has been growing since its initial involvement in 1954. However, the bulk of the MCD's activities still relate to flood control.

The MCD's water quality-related activities are concerned primarily with the treating and monitoring of waste water from point sources, although as the following list of studies indicates, the MCD has undertaken at least one study of non-point source pollution. One reason for the emphasis on point-source pollution is that the MCD's early involvement in waste water treatment was largely influenced by the creaton of the Miami Valley Water Quality Committee, which consisted of representatives from industry and municipalities which were primarily point-source polluters. The MCD has continued to emphasize this area.

The ORC makes no differentiation between point and non-point sources of pollution, stating only that one of the purposes for the establishment and existence of the conservancy district is, " providing for the collection and disposal of sewage and other liquid wastes produced within the district (Section 6101.04(H))." However, if it is assumed that the approach to non-point source pollution consists of land use control or land management techniques, then the role of the MCD is most likely limited to technical studies since the Conservancy District act does not provide for the use of police powers.

The MCD's own position on this point is defined in the context of the official plan. While it suggests that pollution is a combination of many factors, the incidences of which are hard to isolate, it does not commit itself to any particular form of treatment or orientation.

The MCD's water quality management program is comprehensive. The basic functions and studies are outlined below:

1. Water Quality Laboratory. The primary parameters measured are biochemical oxygen demand (BOD), turbidity, and total organic carbon (TOC), as well as 14 others.(Continuing)

2. Stream Survey. The purpose of the stream survey is to provide information on the assimilation capacity of the river.(Continuing)

3. Supplementary Measurements. These include grab samples, spill samples, and the investigation of fish kills.(Continuing under Phase VI)

4. River Quality Systems Studies. These involve the prediction of river conditions resulting from combinations of treatment plant discharges and flow augmentation.(Continuing)

5. River Quality Measurement. Portable sampling stations check factors affecting oxygen levels and water temperature.(Continuing)

6. River Quality Model. Such a model is used to predict river conditions and evaluate the effects produced by proposed improvements.(Continuing)

7. Agricultural Effects. These are measured to determine the magnitude of agricultural waste loads, including nutrients, biochemical oxygen demand (BOD), coliforms and sediment, and their effects upon river water quality.(Continuing)

8. Water Quality Data. Data from all sources are compiled and available for study.(Continuing)

9. Aquatic Life Survey. The purpose of this survey is to evaluate present aquatic populations and predict improvements to be expected from various improvements in river water quality. A biotic index was developed for the Great Miami River in 1969.(Being updated)

10. Stream Use and Aesthetics. This includes an evaluation of land adjoining the river and the potential for improvement and increase in public use.(On-going)

11. Regional Wastewater Treatment Facilities. The MCD is presently completing the bidding stage on its second major treatment plant at Pleasant Hill. The multi-purpose treatment facility at Franklin is already operating.(On-going)

12. Rates Study. Rates are based on the volume of discharge and river mile location of the discharge permit holder. The quantity and quality of discharge (although quality is irrelevant insofar as rate determination), points of discharge, and type of discharges are constantly monitored to accomplish this.(On-going)

13. Aeration Study. The performance, adaptability, and feasibility of each type of mechanical aeration must be carefully studied. The most optimal types are being employed in the treatment facilities already operating.(Completed)

14. Reservoir Site Study for Low Flow Augmentation. This study determines the best sites of operation, the optimal reservoir conditions, and the best designs for accomplishing flow augmentation.(Completed)

15. Flow Augmentation of Groundwater. The practicality of aquifer recharge by pumping stream water directly to the aquifer has been studied.(Completed)

16. Disposal of Non-Aqueous Liquids. Studies on the emulsification and control of non-soluble liquids (paint, oil, grease, etc.) have been performed by private industry at the Franklin Regional Environmental Complex, as well as by public agencies. These studies are on-going activities.(Completed and implemented)

17. Technical Notes. These are prepared quarterly to report on water quality programs of MCD.

18. River Corridor Plans. These were prepared for Shelby, Miami, Montgomery, Warren, and Butler Counties.(Completed)

The MCD does not act alone on water quality. In addition to assisting the Miami Valley Regional Planning Commission (MVRPC) in the preparation of the areawide waste treatment management plan pursuant to Section 208 of Federal Water Pollution Control Act Amendments of 1972 (hereinafter, FWPCAA), the MCD operates its water quality program in cooperation with the Quality of Water Branch of the U.S. Geological Survey and the Ohio EPA (OEPA) and The Department of Natural Resources. Statutory authority for these relationships lies in Section 6101.23.

A large part of the MCD's activities involve water quality monitoring. The MCD monitors well water (though this is primarily an OEPA function): agricultural runoff (there are seven stations set up specifically for this purpose); the effects of potential land fills on the ground water supply and its quality; the quality of groundwater after drainage; and the quality, strength, and volume of the pollutants from industrial point sources. In 1974 the MCD sampled 3700 containers of water for 17 different parameters.

The most significant area of water quality is waste water treatment. The Franklin Regional plant, in Warren County, is currently operating and bids have been let on the Pleasant Hill facility in Miami County. Force mains have been constructed from several point-source polluters (including 5 paper mills) to the Franklin Regional Plant, (pursuant to the approval and adoption of Phase III of the official plan of the Water Conservation Subdistrict). In addition, the MCD has participated in the studies for the development of several new regional treatment plants.

The MCD has become indirectly involved in the treatment of solid waste. There is no express statutory authority for such a function, but it can be implied from those statutes which define and suggest interrelationships between a district's liquid waste facilities and other facilities and operations.

The MCD also acted as a catalyst in the development of a recycling plant. The MCD's role in such arrangements has included participating in the planning, but not the construction or operation of any such plants.

Finally, the MCD has undertaken water quality studies and projects at the request of the Miami Valley Water Quality Committee, which was formed to survey, study, and make recommendations concerning water and groundwater quality in this area. This Committee operates under the auspices of the Dayton Area Chamber of Commerce, and includes all major municipalities and industries in the Miami Valley which utilize the Great Miami River. The area covered by the Water Quality Committee is contiguous with that of the MCD's Water Conservation Subdistrict. The Subdistrict, however, covers an area larger than the MCD, and includes all other subdistricts except for the Clear Creek Watershed Subdistrict.

B. Flood Control

As the impetus for the passage of the Conservancy District act and the establishment of the MCD was the 1913 flood, the emphasis in the MCD operations through the years has been on flood control. The MCD has built and now operates five large dams which serve the purpose of flood control. Levees, embankments, revetments, and concrete walls, often miles in length, have been constructed where needed. The MCD has initiated and operates numerous channelization programs to optimize the dimensions of the Great Miami River for better flood water flow. Pumping stations have been constructed to divert runoff. In addition, it has been proposed that the MCD work closely with the U.S. Army Corps of Engineers on local projects. The MCD would purchase the rights-of-way (to be paid for through special assessments), lend, lease, or sell the land to the Corps, and allow it to build on the land such structures and facilities as are needed for flood control (these to be paid for by the Corps).

C. Flow Augmentation

The MCD has studied aspects of water resource management problem in detail. A feasibility study has been conducted for the purpose of possibly increasing the flow in the Great Miami River. The MCD has considered low flow augmentation techniques such as the pumping of water from underground watercourses, including aquifers, and the release from reservoirs of quantities of water to augment the flow whenever needed.[3]

Several peripheral areas in which the MCD has been active include:

(A) Land Use Planning and Land Acquisition

(1) The MCD has performed consulting functions for agencies and local communities both inside and outside its boundaries. It has examined recommendations by the Soil Conservation Service (SCS) and has assisted zoning commissions in the review of variances, and has helped local units of government form and adopt flood plain zoning ordinances.

(2) The MCD has also purchased flood plain areas as well as flooding rights to lands adjacent to its dams. At the present time, the MCD is the largest public landowner in southwest Ohio, owning about 6,278 acres of land, and possessing 58,512 acres in easements. In addition, the MCD delineates flood plains and conservation areas (an ancillary function to delieating flood plains) upon request, and as a free service. It has also assisted in flood mapping outside its area.

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[3] A study done in 1972 revealed that this program was not justified in terms of water quality benefits.

(B) Recreation

Under the broad statutory powers of ORC, Section 6101.25, the MCD has implemented extensive recreational developments. The MCD has leased as recreation areas the land behind and adjacent to four dams to the Montgomery County Park District. MCD has also developed recreation areas on District-owned flood plains. The MCD has helped to draw up plans for the Dayton Riverfront Plaza.

(C) Meterology

The MCD has set up and operates monitoring stations (including sampling stations for measuring rainfall) in cooperation with the local weather bureaus and environmental agencies for the purpose of collecting stream flow, weather, and evaporation data.

(D) Ecology

The MCD has initiated and now operates programs for the beautification and maintenance of lands along the rivers and the MCD has formulated plans for a new Environmental Awareness Center to be located on the site of the Franklin Environmental Control Complex. Several federal agencies (BOR & USEPA) and local industries have contributed funds toward the development of the Awareness Center.

IV. PRESENT AND FUTURE WATER RESOURCE PLANS AND PROGRAMS

With the approval of the official plans for water quality by the Miami Conservancy District in 1968, 1970 and 1975 the district began and continues to focus more heavily on the need for water quality management. This is a list of plans and programs implemented and/or proposed since 1970 in the following areas: (1) study; (2) plan formulation; (3) testing and monitoring; (4) research and development; (5) data collection and systems development; (6) construction and maintenance and (7) community relations.

(1) Study:

1972: A study on low-flow augmentation and aeration was concluded. The results suggested that low-flow augmentation was economically infeasible insofar as its accomplishments with water quality improvement were concerned.

1973: Three studies for the development of regional sewerage plans were completed:
(a) LeSourdville Area (south of this study area);
(b) Dayton Reaches[4], and
(c) Vandalia-Northridge-Ohio Suburban Area.

1973: An industrial waste study for the city of Piqua was completed.

1973: The Montgomery County Quantitative Study of Groundwater was funded by Montgomery County.[5]

1974: A study of the Butler County drainage area was completed; a Regional Treatment Plant will be built by that county.

1974: The MCD completed the study for the North Regional Wastewater Treatment Facility.

(2) Plan Formulation:

1971: Phase IV of the official plan to evaluate water quality was approved by the MCD in early 1971. There are five components to this stream monitoring program:
(a) stream quality management;
(b) plan development;
(c) implementation;
(d) continued surveillance, and
(e) continued planning.

1972: Plans and specifications were completed for the first section of the Clear Creek interceptor sewer (estimated costs $600,000).

1973: The budget for an aquifer recharge program was developed.

1973: Plans were completed, and specifications drawn up, for the Twin Creek trunk sewer to Germantown.

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[4]The final form of this study was not actually completed until 1974, but most of the data was available at this time.

[5]This study is included because any quantitative study of drinking water must involve quality considerations.

1974: A 3(c) plan (pursuant to Section 3(c) of P.L. 84-660) for the Great Miami River was completed.

1975: Phase VI of the district's official plan was initiated. There are three elements to the plan -- colletions and dissemination of water quality data; refinement of the water quality model; and evaluation of the data.

(3) Testing and Monitoring:

1971: Eleven sampling sites were chosen at stream points, five at public wells, eighteen at industrial or private wells, and four at gravel pits, as part of the groundwater sampling program.

1973: The river sampling and outfall sampling programs were combined.

1973: The Quality Control Program was implemented involving split samples and statistical analysis.

1974: The Revised Stream Assimilative Capacity Program was developed to determine waste load allocations, and projections were made until 1980.

(4) Research and Development:

1968: The MCD's laboratory was established at the University of Dayton for the evaluation of water quality. In 1974 this laboratory processed 3700 samples for as many as 17 parameters of water quality.

(5) Data Collection and Systems Development:

1974: The MCD developed a system for handling U.S.EPA's Storage Retrieval System (STORET) coded users' data on water quality.

1974: The MCD developed a new model to test and evaluate groundwater quality.

(6) Construction and Maintenance:

1972: The new Franklin Regional Waste Treatment Plant began operation.

1972: Twelve new leachate monitoring observation wells were installed in and around the treatment basins of the Franklin Regional Waste Treatment Plant.

1974: Systems Technology Corporation of Dayton began operation of a liquid industrial residuals pretreatment facility at the site of the old Franklin Regional Waste Treatment Plant.

1974: Bids were let for the newly planned and designed waste treatment plant to be located at Pleasant Hill.

(7) Community Relations:

1972: The district began a program to offer technical assistance to municipalities and industries to increase their efficiency in the evaluation and monitoring of waste treatment.

1974: The district helped Monsanto Research Corporation establish a stream gauging and sediment sampling program.

V. ADMINISTRATIVE AND OPERATING CONSTRAINTS

As is the case with units of local government, the MCD is constrained in two basic ways: (1) by the changes in the dimensions of its functions because of changes in the environment and public policy; and (2) by discrepancies between the performance of certain functions and the MCD's ability to finance them.

While the MCD's activities in the past 57 years have been devoted primarily to flood control, its increasing involvement in water quality management activities, and particularly those since the passage of the FWPCAA have been affected by administrative constraints.

In the late nineteen-sixties, solid waste disposal and recycling became vogue, as did attempts to eliminate aesthetic pollution. Public pressure mounted for governmental and private consideration of these problems, which can be water-quality related. As a result, the MCD has engaged itself in a river clean-up program (for which it pays 80% of the costs), solid waste disposal cooperative relationships, and recycling consultation. Since there is no express authority for engaging in these activities, the MCD has financed them indirectly. For example, the Franklin recycling complex itself is owned by the city of Franklin, and operated by a private firm, Black-Clawsen. The MCD supplies the land and some expertise.

The degradation of water quality within the Great Miami River basin has complicated the MCD's operation because it must continuously allocate greater amounts of revenue to this area, according to MCD reports. The current basin facilities cannot keep pace with water quality deterioration without the MCD and local agencies implementing large and costly structural improvements.

VI. RELATIONSHIPS WITH OTHER ORGANIZATIONS

A. Local

The MCD has been involved on a continuing basis with units of local government both within and outside MCD boundaries. It assists in flood plain delineation and in some cases, has assisted in the delineation of related conservation areas. It has also worked with local communities on flood plain management practices. It leases land to the Montgomery County Park District and many other agencies for recreation areas, and leases well fields to the communities of Miamisburg and Vandalia for water supply purposes. Finally, the MCD has been involved in the wholesaling of wastewater treatment services to counties and communities from the Franklin plant. It has also worked with local communities and private industry on the establishment of a recycling plant, and the planned Environmental Awareness Center at the Franklin complex. It is currently involved in the construction of a waste water treatment facility for Pleasant Hill, and in the planning of the North Regional Waste Treatment Facility.

B. Regional

The MCD monitors water quality and provides technical assistance services to other agencies upon request. For example, it has undertaken various water quality improvement endeavors for the Miami Valley Water Quality Committee. Currently, it is preparing a portion of the Section 208 areawide waste treatment management plan for the Miami Valley Regional Planning Commission.

C. State

Approval of all water quality proposals must be obtained from the Ohio Environmental Protection Agency. The Ohio General Assembly provided $500,000 in the ODNR appropriations for the current biennium for flood plain acquisition by MCD in Montgomery County. ODNR is working with the MCD and respective county engineers on the drafting and updating of drainage legislation. The MCD follows ODNR flood control guidelines and must get its approval on all flood control projects. The MCD has worked with Division of Soil and Water Districts, ODNR on the Division's proposed sediment control regulations. Finally, the MCD utilizes the Ohio Water Development Authority (OWDA) for long term financing of waste water treatment projects.

D. Federal

Many MCD functions such as ground water monitoring, water quality programs, meterological services and rainfall monitoring involve the Groundwater Branch of the U.S. Geological Survey. Other Federal/MCD relationships include those involving approval of waste water treatment projects by U.S. EPA as well as involvement in the preparation of the 208 plan pursuant to the FWPCAA. In addition, the MCD receives, through ODNR, U.S. Bureau of Outdoor Recreation, (BOR) funds for park-related projects.

MIAMI CONSERVANCY DISTRICT: SUBDISTRICTS

There are four subdistricts of the Miami Conservancy District: the Water Conservation Subdistrict and the Southern Miami County Subdistrict, both organized in 1953; the Dick's Creek-Little Muddy Creek Subdistrict, organized in 1961; and the Clear Creek Watershed Subdistrict, organized in 1974. All four subdistricts are currently active; each is organized, however, to carry on different functions.

1. Statutory Powers and Organization -- Subdistricts are created pursuant to Section 6101.71 of the ORC.

> Whenever it is desired to construct improvements wholly within or partly within and partly without any conservancy district, which improvements will affect only a part of said district (emphasis added), for the purpose of accomplishing such work, subdistricts may be organized upon petition of the owners of real property, or the governing body of any political subdivision or watershed districts created under Section 6105.02 of the (ORC) within or partly within and partly without the district (emphasis added), or upon petition of the board of directors of the district.

The petition for organization of the subdistrict shall be filed with the clerk of the same Court of Common Pleas as has jurisdiction of the conservancy district.[1]

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[1] When a conservancy district has been established under the provisions of Chapter 6101 and a petition is filed for a subdistrict pursuant to Section 6101.71 of the ORC, and the subdistrict will affect only property located in a county of the district other than the county in which the original petition was filed, the Court of Common Pleas in the county where the original petition was filed has exclusive jurisdiction, under Section 6101.07 (of the ORC), over such questions as may arise from the filing of the petition for the subdistrict and from any proceedings that may be had thereon. See, Finefrock v. Muskingham Watershed Conservancy District, 560 App 271, 90 Ops 376, 25 OL Abs 18, 10 N.E. 2d 638.

Conservancy subdistricts may be included wholly within or partly within the main district. They are created by the Court of Common Pleas which has jurisdiction over the main district and they remain under the jurisdiction of that court. Generally, the boards, officers and personnel of the main district will assume the same roles for the subdistrict. However, the financial administration for the subdistrict is separate from the main district. Although not expressly stated in Section 6101.71 of the ORC, subdistricts and districts do not have to be organized for the same purposes.

2. The Miami Conservancy Subdistricts -- A General Description

a. Clear Creek Watershed Subdistrict

This is the most recently formed of the subdistricts, being organized in 1974 upon petition to the Court of Common Pleas of Montgomery County by the Warren County Commissioners and the Franklin City Council. It covers an area of 52 square miles, totally within Warren County. It was organized for the purpose of providing needed flood protection and maintenance between Main Street in the City of Franklin and State Route 123. At present, its functions are limited to planning; Clear Creek is involved in no water development projects. The report of the plan, which cost $7,482.87, provided a description of the Clear Creek Watershed, reasons for the flood which occurred in June, 1974, alternative solutions to solve the problem, flood protection benefits, recommended action, and possible funding sources.[2]

b. Dick's Creek-Little Muddy Creek Subdistrict

The Dick's Creek-Little Muddy Creek Subdistrict (hereinafter, Dick's Creek) was founded in 1961 by the Boards of County Commissioners of Butler and Warren Counties and the locally-benefited property owners upon petition to the Court of Common Pleas of Montgomery County.[3] The subdistrict formed for the purpose of reducing flooding along Dick's Creek which is located near Middletown, Ohio, and its first activity involved working with the Soil Conservation Service of the U.S. Department of Agriculture in the evaluation of a "P.L. -566" project (P.L. 83-566, The Watershed Protection and Flood Prevention Act). Lemon and Liberty Townships in Butler County; and Turtle Creek, Franklin and Union Townships in Warren County. However the P.L.-566 project was never implemented.[4] The total area is 69.7 square miles.[5]

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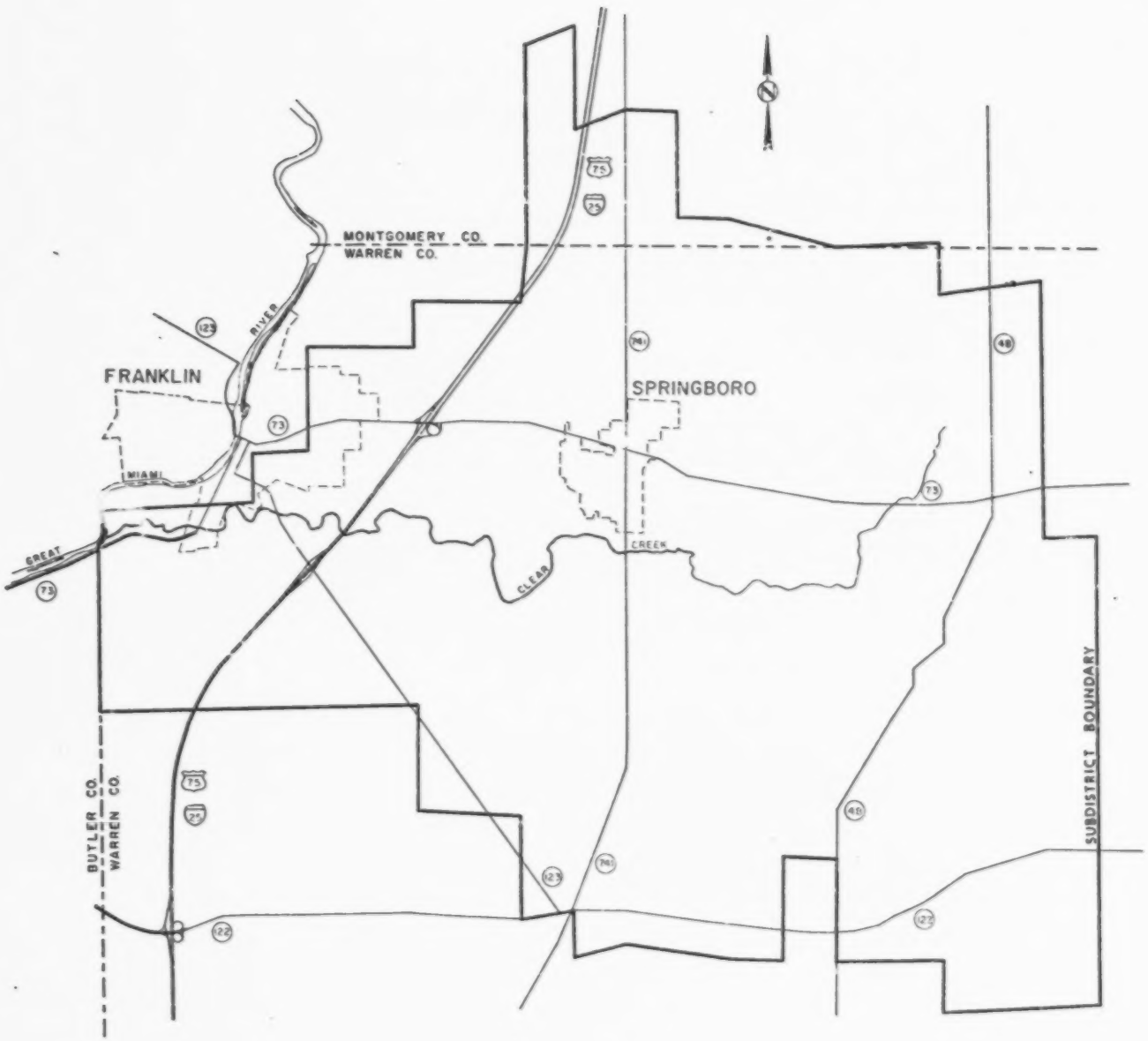
[2] See, Ohio Conservancy Districts, Ohio Department of Natural Resources, Division of Planning, Small Watershed Planning Section, Columbus, Ohio (hereinafter, Ohio CDs), January, 1975, at 49.

[3] See, Ohio CDs at 51.

[4] Ibid.

[5] See, Annual Report, 1970, at 18

Figure IV

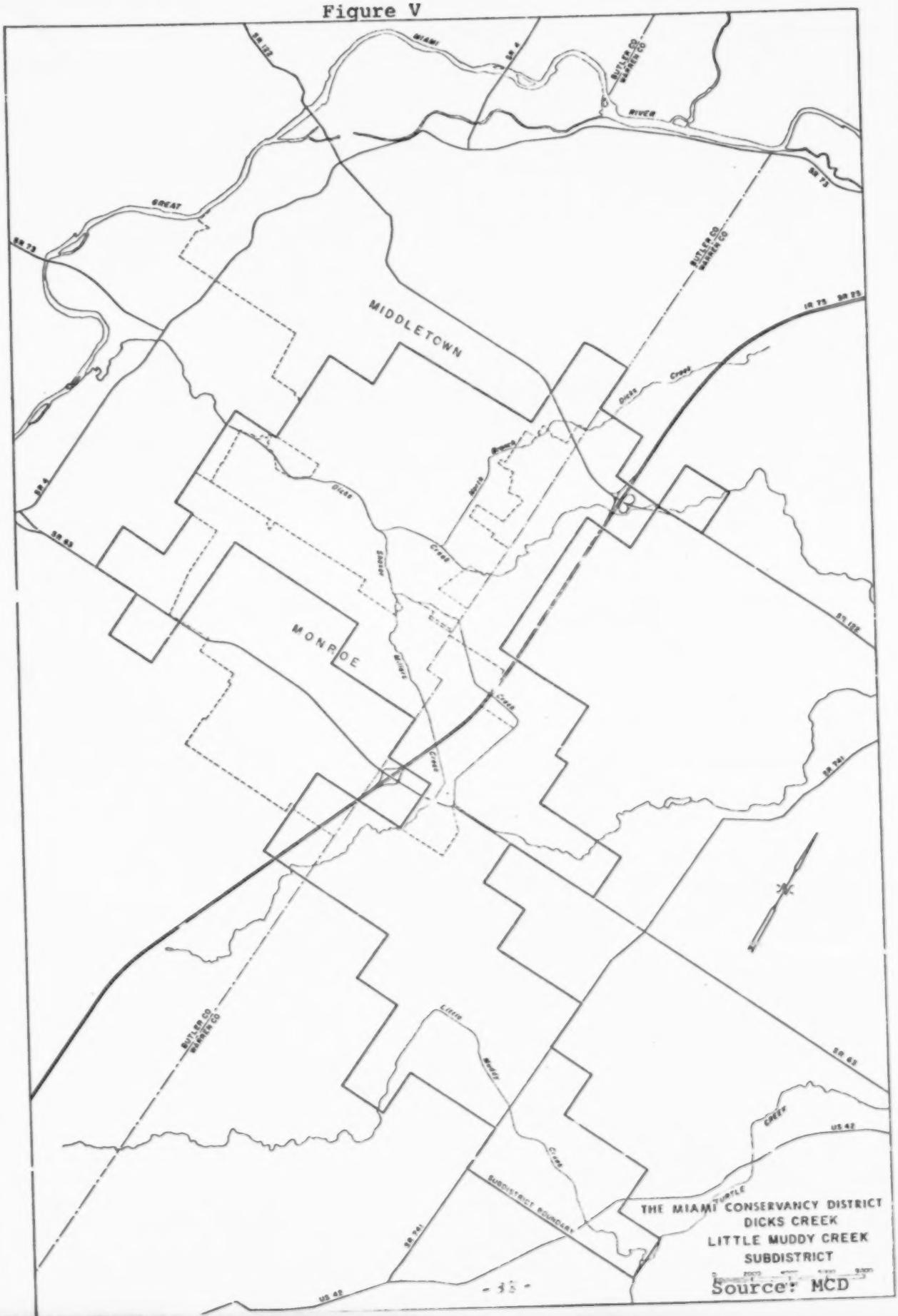


THE MIAMI CONSERVANCY DISTRICT
CLEAR CREEK
WATERSHED SUBDISTRCT

Source: MCD

22709

Figure V



Source: MCD

The first project to be completed was in 1967 and consisted of levee construction and the improvement of channels of Dick's Creek, the North Branch of the stream, and Jackson Land Ditch. The project, which cost in excess of $1.5 million[5], was funded entirely through special assessments levied upon specially benfited property owners.

The function of Dick's Creek is presently limited to maintenance. Current activities include the construction of drainage area, a major purpose of which is to combat erosion.

c. Southern Miami County Subdistrict

The Southern Miami County Subdistrict (hereinafter, Southern Miami) was organized in 1963 to provide needed channel improvement and maintenance to an area of little more than eight square miles of Great Miami River channel which goes through a highly developed farming area in Miami County.[6] Its one major improvement was completed in 1955 and consisted of the removal of bars and islands and heavy growth from the channel.[7]

In 1974, Southern Miami carried on virtually no activity. In accordance with the Official Plan of the subdistrict, each property owner maintains his own flood protection levee to the degree required by the Official Plan. Any funds available to Southern Miami are used for maintaining the channel. Maintenance projects are determined through the agreement of property owners and representatives of the subdistrict.

d. Water Conservation Subdistrict

The Water Conservation Subdistrict was organized in 1953 through an order issued by the Court of Common Pleas in Montgomery County, Ohio, following a petition signed by municipalities and individuals who were concerned with the declining quality of rivers and falling groundwater levels. The total area included in the subdistrict is 380 square miles, which is larger than the Miami Conservancy District's 360 square miles. It covers the Great Miami Watershed and includes portions of Warren, Hamilton, Shelby, Miami, Preble, Montgomery, and Butler Counties.[8]

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[5] See, Annual Report, 1970, at 18.
[6] See, Ohio CDs at 53
[7] See, Annual Report, 1970, at 10.
[8] In 1967, the Water Conservancy Subdistrict was enlarged upon merger with the Butler Water Conservancy District and the Southern Butler Conservancy District. The petition to the Court of Common Pleas of Montgomery County, Ohio, was formed from the latter two Districts and the cities of Cincinnati, Hamilton and Fairfield.

The purposes of the Water Conservation Subdistrict are to provide a water supply for domestic, individual and public use, and to reduce pollution, increase the flow of the river, improve the underground supply of water, regulate the flow of streams and conserve the waters thereof.[9] The purposes of the subdistrict were amended in 1969 to include regulating stream channels by changing, widening, and deepening them; reclaiming or filling wet and overflowed lands; diverting or, in the whole or in part, eliminating water-courses; providing for the collection and disposal of sewage and other liquid wastes produced within the subdistrict. This broadened the purposes of the Miami Conservancy District.

Investigations of the water quality in the region were conducted from 1954 to 1956 from private funding of $200,000; a report was subsequently published in 1961. Presently the activities of the subdistrict include planning and construction. Total expenditures for 1974 amounted to over $656,000 and in 1975, $1,351,680. A large portion of the operating budget is from grants received from the U.S. EPA.

The official plan of the Water Conservation Subdistrict is divided into six phases. Phase One involved a Regional Water Quality Management Program (1968-1970) and provided for the evaluation of regional water quality in the Great Miami River Basin and for the development of regional programs which would enhance and protect the water and related land resources of the basin.[10] This phase included the monitoring and surveillance of water quality. Holders of state permits to discharge wastes into the waters of the subdistrict were charged from the water quality improvement plan on the basis of the quantity and quality of the effluent and location of the source.

Phase Two provided for the observation and evaluation of groundwater resources in Butler County (Hamilton-New Baltimore area) and for the coordination and optimum development of water resources in the area.[11]

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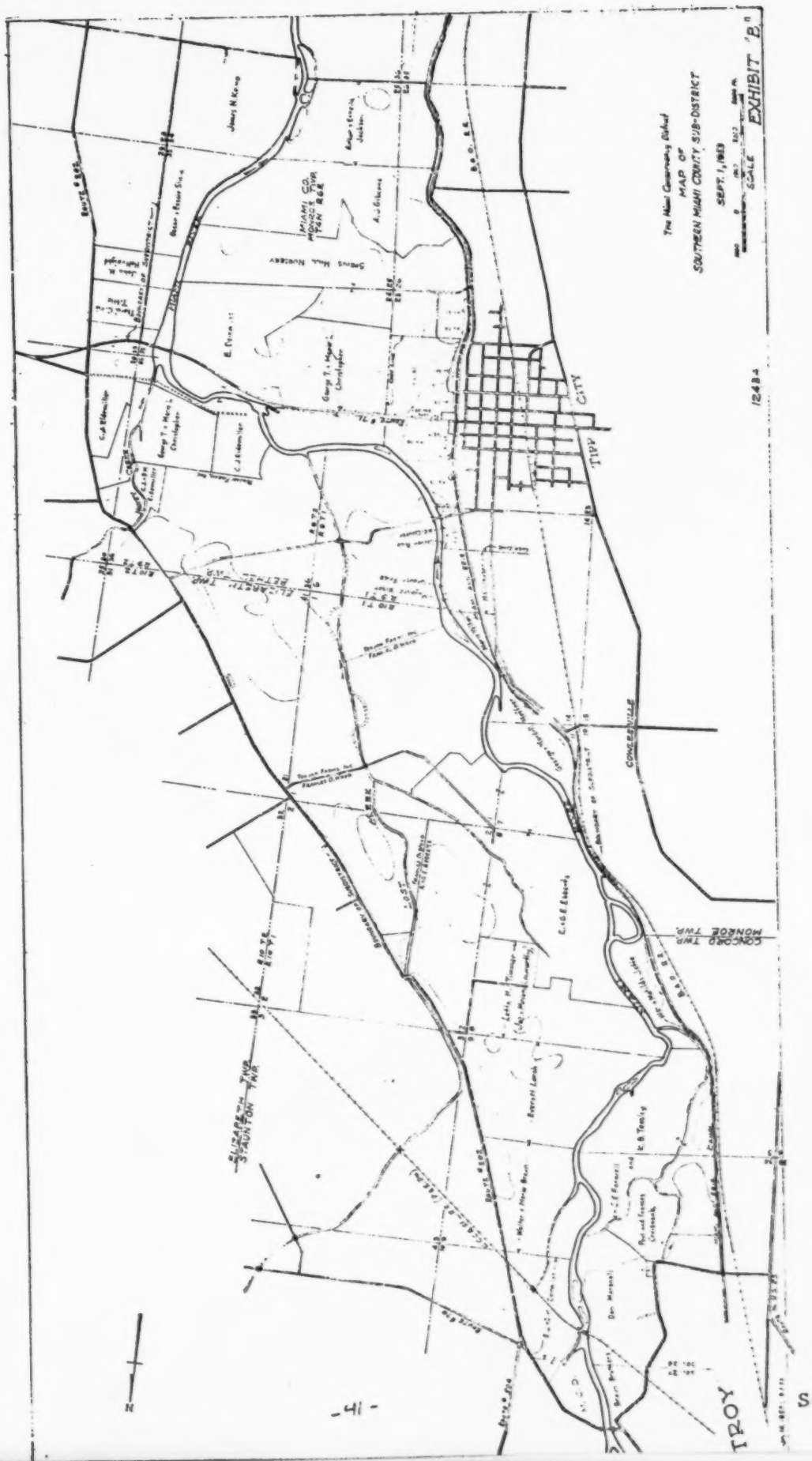
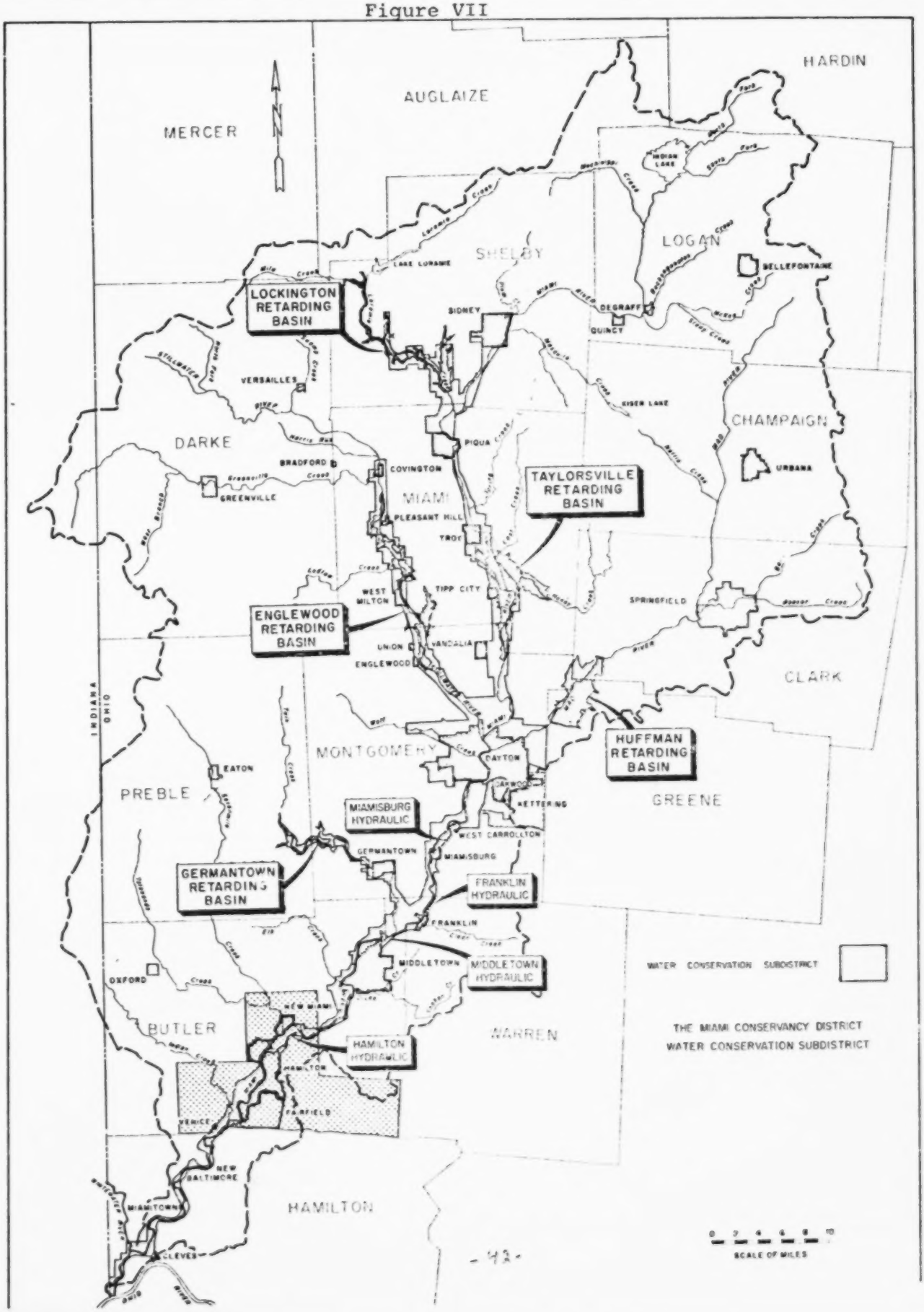
[9] See, Ohio CDs at 55.
[10] See, Ohio CDs at 55; Annual Report, 1971, at 9.
[11] See, Ohio CDs at 55; Annual Report, 1971, at 9.

Figure VI



Source:
MCD

Figure VII


HARDIN
AUGLAIZE
MERCER
SHELBY
LOGAN
CHAMPAIGN
DARKE
MIAMI
CLARK
MONTGOMERY
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BUTLER
WARREN
HAMILTON
LOCKINGTON RETARDING BASIN
TAYLORSVILLE RETARDING BASIN
ENGLEWOOD RETARDING BASIN
HUFFMAN RETARDING BASIN
GERMANTOWN RETARDING BASIN
MIAMISBURG HYDRAULIC
FRANKLIN HYDRAULIC
MIDDLETOWN HYDRAULIC
HAMILTON HYDRAULIC
SIDNEY
QUINCY
VERSAILLES
BRADFORD
GREENVILLE
COVINGTON
PIQUA
TROY
PLEASANT HILL
TIPP CITY
WEST MILTON
UNION
VANDALIA
ENGLEWOOD
SPRINGFIELD
URBANA
BELLEFONTAINE
DAYTON
KETTERING
WEST CARROLLTON
MIAMISBURG
GERMANTOWN
FRANKLIN
MIDDLETOWN
EATON
OXFORD
NEW MIAMI
HAMILTON
FAIRFIELD
VENICE
NEW BALTIMORE
MIAMITOWN
CLEVES
INDIANA
OHIO
WATER CONSERVATION SUBDISTRICT
THE MIAMI CONSERVANCY DISTRICT
WATER CONSERVATION SUBDISTRICT
SCALE OF MILES

Phase Three of the Plan is the construction and operation of the Franklin Area Wastewater Treatment Plant which serves five paper mills and the City of Franklin. The plant was completed in 1972 and, in 1974, planning reports were completed for additions to the plant which will enable it to serve five additional municipalities. The activities of the plant are integrated with those of the Franklin Solid Waste Plant. During 1974, the plant carried on extensive laboratory activities, analyzing approximately 1200 samples.[12] A National Pollution Discharge Elimination System (NPDES) permit setting effluent quality and quantity requirements in addition to those for operations, quality control, monitoring, and reporting was issued for the plant by OEPA. In 1975, a Digital Control and Monitoring System which continuously monitors and controls all critical functions and transmits the information to the central control station at Dayton, was completed for the Franklin Plant. User charges cover the operating and maintenance costs of the plant and retire the debt which was funded by OWDA.

Phase Four of the Plan continued the purposes of Phase One through 1974 and involved a great amount of data collection, studies, and surveys.[13]

Phase Five of the Official Plan involves the supervision, operation, and maintenance of wastewater treatment facilities and the construction of additional facilities for the Village of Pleasant Hill.[14]

In 1975, Phase VI of the Official Plan of the Water Conservation Subdistrict was approved and adopted. Phase VI's purpose as noted earlier in this synopsis, is to "...continue the development of an in-depth knowledge of stream water quality in the Great Miami Basin."[15] In addition to activities mentioned in the Official Plan, the Water Conservation Subdistrict entered into a contract, in 1974 with OEPA to extend the stream assimilative capacity model to include the upper portion of the Mad River and the Stillwater and Great Miami Rivers; and to assist in load allocation studies.[16] Additionally, the subdistrict has entered into agreements with regional planning commissions located within its boundaries to prepare basin water quality plans which are required by the FWPCAA.

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[12] See, Annual Report, 1974, at 9.
[13] See, Annual Report, 1970, at 11-16.
[14] See, Ohio CDs at 56.
[15] See, Proposed Official Plan, Phase VI, Regional Water Quality Program, 1975, at 3.
[16] See, Annual Report, 1974, at 9.

MIAMI VALLEY REGIONAL PLANNING COMMISSION (MVRPC)

I. GEOGRAPHIC JURISDICTION

The Commission offers its services to and performs its responsibilities for local governments from Darke, Greene, Miami, Montgomery, and Preble Counties. Townships, school districts, and special districts are also members.

II. BASIS OF AUTHORITY

The MVRPC was established in 1965 pursuant to the Ohio Revised Code, Sections 713.21-27 inclusive. The water quality-related duties of MVRPC, as provided for in ORC Section 713.23 include preparing plans on: 1) regional goals; 2) patterns of land use and open space; 3) land, water, and air transportation systems; 4) general locations and extent of public and private utilities; 5) general location and extent of areas for conservation; and, 6) long-range financing and programming of capital projects. The Commission seeks to promote wider understanding of the administrative and regulatory measures used to carry out regional plans.

The MVRPC is also affected by the Governor's executive order encouraging the establishment of substate planning districts, called a "regional planning and development organization" (RPDO). MVRPC is a state-certified RPDO.

Major federal legislation affecting the MVRPC's organization are Section 204 of the Demonstration Cities and the Metropolitan Development Act of 1966 and Title IV of the Intergovernmental Cooperation Act of 1968 which provided the authority for Circular A-95. Under this circular, promulgated by the U.S. Office of Management and Budget, state and local agencies seeking federal assistance in designated programs must notify the area-wide clearinghouse (MVRPC) which performs a review, to determine whether the application for assistance conforms with regional and local plans and policies.

III. AREA-WIDE WATER QUALITY-RELATED FUNCTIONS

A. Waste Water Management

The MVRPC provides technical assistance to members upon request and to non-members on a contractual basis. The Commission is not authorized to own or operate waste water treatment works, however.

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Current work in the area of waste water management involves the preparation of a water quality management plan for the five-county area as outlined in Section 208 of the Federal Water Pollution Control Act Amendments of 1972 (PL 92-500). The planning efforts include an analysis of present and future waste treatment needs in the region. Section 201 of the same act requires the Commission to review all planning, engineering, and construction grant applications for treatment facilities to ensure that they conform to the evolving 208 plan. MVRPC must approve these applications through the A-95 review process before the state will officially endorse such grant requests.

B. Water Supply

The Commission has, on request, prepared joint sewer and water plans for each of its five county members. The plans are used as policy guidelines, rather than design and construction blueprints. Water supply planning, while related to water quality planning under Section 208, is not specifically covered in FWPCAA. In this area, too, the Commission may only investigate, outline, and recommend various water supply alternatives.

C. Land Use

In the area of land use, MVRPC undertakes the following activities:

1) Prepares local and regional comprehensive plans. Local comprehensive plans, which contain a land use element, are prepared under contract by MVRPC for a municipality or township and may be adopted by that jurisdiction. MVRPC certifies elements of its regional plan to its members who may adopt them, as provided by ORC Section 713.25.

2) Prepares, under contract, zoning and subdivision regulations.

3) Makes recommendations on land development proposals to local jurisdictions upon their request.

4) Developing the data base for a computerized land capability analysis program for the Ohio Department of Natural Resources (ODNR) under a memorandum of understanding with that agency.

5) Comments on land use impact through the A-95 review process. Such comments have focused primarily on airport expansions financed with federal funds.

6) Provides other related studies (e.g. cost-revenue studies of development impact) to local jurisdictions upon request.

D. Solid Waste

The MVRPC is preparing solid waste management policy plans.

E. Storm Water

The MVRPC has done a limited amount of storm water management policy planning.

IV. SIGNIFICANT DIFFERENCES BETWEEN LEGAL AUTHORITY AND OPERATING RESPONSIBILITIES

There is one area related to water quality control in which the Commission has not assumed any major responsibilities. The Ohio Revised Code, Section 713.24 (c) provides that:

> Wherever a regional planning commission has been established with the area of the jurisdiction of a county planning commission, the regional planning commission or the county planning commission may, by mutual agreement, transfer or delegate to the other, all, or part of the functions, powers, and duties which either may perform.

This language, along with other language in the same section cited above, essentially permits MVRPC to assume on-going administrative responsibilities for local zoning and subdivision control. The agency has never utilized this authority because local governments have decided to retain it. In addition, MVRPC's executive director states that exercising such authority over a five-county area would be cumbersome and the daily involvement in zoning and subdivision matters would detract from long-range, areawide planning efforts.

V. MAJOR LEGAL AND ADMINISTRATIVE CONSTRAINTS ON FINANCING AND STAFFING

The MVRPC officials and members perceive three basic constraints on the Commission's present operations. The first is a budgetary problem. MVRPC must rely on local assessments and state and federal assistance to finance its activities. Current assessments have not kept up with inflation and, alone, do not support an on-going planning program of the breadth legally permitted. Similarly, assistance levels of the federal government, and to a lesser extent the state, vary greatly from year to year. Fluctuations tend to occur because assistance is project-oriented for short-run plans and not as conducive to long-range efforts.

The second constraint is a legal one involving the correct interpretation of enabling legislation for regional planning commissions (RPCs). The regional planning commission enabling legislation is unclear on whether an RPC may undertake action programs (other than "experimental or demonstration projects authorized under ORC Section 713.23 (B) (7)) or be otherwise responsible for delivery of services. In this regard, what RPC does may not have the broader -- and somewhat duplicative powers -- of a regional council of governments which, under ORC Section 167.03 (C) may (among other things):

> By appropriate action of the governing bodies of its members, perform such other functions and duties as are performed or capable of performance by the members and necessary or desirable for dealing with problems of mutual concern.

The RPC enabling legislation also does not differentiate between single-county and multi-county RPCs, leaving that determination to local governments. Under ORC Section 713.21, a multi-county area may have several RPCs, each with overlapping authority and territorial jurisdiction.

According to MVRPC's executive director, elimination of this constraint is a "shared concern on the part of elected officials." The recently established Land Use Review Committee by the Ohio General Assembly is charged with assessing the adequacy planning enabling legislation. This appears to be an opportunity to eliminate some of the identified statutory constraints.

The third and final major constraint is inherent in MVRPC's make-up and is a constraint and an opportunity at the same time. The Commission is a voluntary coalition of local governments; it cannot, of its own will, effect any of the plans or recommendations that it makes. Even a majority vote among its members cannot make anything happen. If a regional plan is to be put into practice, every community must adopt and implement it. This is a short-run disadvantage when one sees that speedy action is desirable, but it is a long-run impetus to the creating of sound plans because it produces a tension in the planning process which insures that local interests - articulated by local officials - are not swept aside in favor of "areawide" as defined by an unaccountable body. In this way compromises among conflicting interests can be made that yield plans generally acceptable to a majority.

VI. RELATIONSHIPS WITH OTHER RESOURCE ORGANIZATIONS

A. Local

The MVRPC provides service delivery and planning assistance to local units of government (municipalities and townships). In return it receives funding on a per capita or fixed fee basis. Some federal funds pass through MVRPC to provide planning monies for the cities of Kettering and Dayton.

The MVRPC's relationship with counties is essentially the same as its relationship with cities and villages. Federal funds pass through MVRPC which enable the agency to provide planning services to Preble County.

B. Regional

The MVRPC shares planning responsibilities for the Section 208 Wastewater Treatment and Management Plan with the Miami Conservancy District (MCD). MCD has some implementation powers relative to water supply and water quality, as well as flood plain management.

Through the A-95 review process, MVRPC enjoys review, comment and approval power over all applications for federal assistance affecting the Miami Valley. This includes local, county, multi-county, special district and state agencies.

C. State

The MVRPC has received funding for planning from the Ohio Department of Economic and Community Development (DECD) for RPDO programs. Criminal Justice planning funds from the federal Law Enforcement Assistance Funds are passed through DECD to MVRPC. The authority to prepare the Section 208 plan is shared, to some extent, with the Ohio Environmental Protection Agency which has review and comment and approval powers over the contents of the plan.

D. Federal

MVRPC receives funding from the U.S. Environmental Protection Agency, the Law Enforcement Assistance Administration, the Department of Housing and Urban Development and the Department of Health, Education and Welfare for planning and service delivery.

MONTGOMERY-GREENE COUNTY TRANSPORTATION
COORDINATING COMMITTEE (TCC)

I. GEOGRAPHIC JURISDICTION

The Montgomery-Greene County Transportation Coordinating Committee (TCC) is the metropolitan transportation planning agency for Montgomery and Greene Counties and most of the municipalities within them.(Figure VII)

II. BASIS OF AUTHORITY

The TCC was formed in 1967 as a successor to the Regional Transportation Committee, which was established in 1959. It was created under ORC Section 307.15 which permits boards of county commissioners to enter into agreements with other units of government (ORC Chapter 307: Board of County Commissioners-Powers; Section 307.15 Agreements and Contracts with other units of Government.)

Federal legislation affecting TCC is found under Title 23 of the U.S. Code. The initial Title 23 legislation spurring the creation of metropolitan transportation planning agencies was the federal Highway Act of 1962 which required an urban area to have a long-range transportation plan in order to receive federal highway funds.

The most significant change in TCC's legal authority came with the passage of the federal Highway Act of 1973. This act provided "urban systems funds" to local jurisdictions to upgrade or complete the highway network. TCC, under the act, became the programming agent for urban systems funds and, as such, is responsible for prioritizing the various highway projects which local jurisdictions in the two-county area may submit. This programming effort insures full utilization of available urban systems funds in any given year.

Under the Urban Mass Transportation Act of 1974, TCC became the review agent for all applications for federal mass transportation assistance from the two-county area.

III. AREAWIDE WATER QUALITY-RELATED FUNCTIONS

A. Waste Water Management

The Committee has no programs that directly involve treatment facilities. See, Section E, "Storm Water", for the most extensive involvement in water quality-related issues.

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B. Water Supply

The TCC has no responsibilities in this area.

C. Land Use

The TCC is involved in land use in two areas: (1) its transportation plan employs computerized land use models; and (2) it reviews, at the request of local governments, major land development proposals to assess various impacts of the proposed activity.

D Solid Waste

The Committee has no programs in this area.

E. Storm Water

The TCC's technical staff reviews environmental impact statements required for federally assisted transportation projects. These reviews, which are simply advisory to the State of Ohio, touch on water quality-related issues. They deal with short-term impacts resulting from highway construction, e.g., sedimentation; and longer-term impacts resulting from highway use and maintenance, e.g., pavement runoff carrying oil, gasoline and rubber, increased downstream saline concentrations due to use of salt de-icers.

F. Flood Control

The TCC has no program or authority in this area.

IV. SIGNIFICANT DIFFERENCES BETWEEN LEGAL AUTHORITY AND OPERATING RESPONSIBILITIES

No major differences were cited at the interview.

V. MAJOR LEGAL AND ADMINISTRATIVE CONSTRAINTS ON FINANCING AND MANPOWER

A number of federal transportation programs are administered by the Department of Health, Education and Welfare (HEW), rather than the Department of Transportation (DOT) HEW's programs have given rise to the establishment of special transit services for the poor and the aged; however, HEW has not clearly drawn lines of coordination with metropolitan transportation planning agencies like TCC. Because of this, TCC has encountered problems with the Health and Welfare Planning Council (HWPC) and the Montgomery County Community Action Agency (MCCAA) with regard to target group transportation programs (e.g., transporting the elderly to noon meals). As a result, no overall plan exists for providing transportation for the elderly or handicapped.

Similar coordination problems exist between TCC and the Regional Air Pollution Control Authority (RAPCA) which receives funding from the U.S. Environmental Protection Agency. Consequently, there is no contingency plan to reduce air pollution by changing the mix in transportation modes during an air quality alert or emergency.

The TCC is hopeful these conflicts can be resolved through memoranda of understanding between itself and the affected agencies and changes in federal law and regulations clarifying the metropolitan transportation planning agencies' role in programs which originate in federal bureaucracies other than DOT.

VI. RELATIONSHIP WITH OTHER RESOURCE ORGANIZATIONS

A. Local

Xenia -- TCC has formal planning and implementation relationships with the Xenia Transportation Department and formal approval, funding, service delivery and planning; and informal review and comment relationships with the Montgomery and Greene County municipalities.

Montgomery and Greene County -- TCC has the same relationships with Montgomery and Greene Counties as it has with the municipalities within them. It has an informal implementation relationship with MCCAA, helping it fill out grant applications and train drivers for MCCAA's demand-responsive transit system.

B. Regional

The MVRPC -- TCC has formal review and comment, funding, service delivery and planning relationships with MVRPC. It has formal planning and implementation relationships with the Miami Valley Regional Transportation Authority and an informal planning relationship with RAPCA.

C. & D. State and Federal

The TCC has formal review and comment, approval, funding, service delivery, planning and implementation relationships with the U.S. and Ohio Departments of Transportation (DOT and ODOT).

FIGURE VIII

TRANSPORTATION COORDINATING COMMITTEE (TCC)

Montgomery-Greene County Transportation
and Development Planning Program

Member Jurisdiction List for 1975

* * * * * *

Montgomery County*	*Greene County
Brookville	Bellbrook
Centerville	Fairborn
Dayton	Xenia
Germantown	Yellow Springs
Kettering	
Miamisburg	
Moraine	
Oakwood	
Phillipsburg	
Riverside	
Trotwood	
Vandalia	
West Carrollton	

*County holds membership for the unincorporated areas and those incorporated ones as follows:

Carlisle	Bowersville
Clayton	Cedarville
Englewood	Clifton
Farmersville	Jamestown
New Lebanon	Spring Valley
Union	
Verona	

REGIONAL AIR POLLUTION CONTROL AGENCY (RAPCA)

I. GEOGRAPHIC JURISDICTION

The Regional Air Pollution Control Agency (RAPCA) covers Clark, Darke, Greene, Miami, Montgomery and Preble Counties.

II. BASIS OF AUTHORITY

The RAPCA is an arm of the Montgomery County Board of Health. It was established in 1971 pursuant to ORC Section 3709.08 which permits a county board of health to provide contract services to other boards of health. Under these provisions, RAPCA monitors air pollution levels and enforces air pollution regulations in Clark, Greene, Miami, and Montgomery Counties. In 1972, it enlarged its jurisdiction to include Preble and Darke Counties. Authority for this expansion was provided by ORC Section 3704.03 (Q) which authorizes the Ohio Environmental Protection Agency (OEPA) to delegate its statewide air quality monitoring and enforcement powers to local health districts.

When the laws governing OEPA or county boards of health change, RAPCA's authority changes. These changes can be beneficial (e.g. they can make contractual authority clearer or broaden regulatory powers) or non-beneficial (e.g. they can curb rule-making powers of OEPA or boards of health). A current example of the latter is a bill before the Ohio General Assembly to rescind any prohibition against open burning, a practice which RAPCA currently regulates.

The RAPCA has contract authority for areas outside its jurisdiction under ORC Chapter 3709. It has contracted, for example, with the U.S. Energy Research and Development Administration, the successor to the U.S. Atomic Energy Commission, to monitor radiation levels in the air.

III. AREAWIDE WATER QUALITY-RELATED FUNCTIONS

Through the A-95 review process RAPCA comments on all applications for federal assistance affecting land use which may, in turn, affect air quality. Under provisions of the Federal Clean Air Act Amendments of 1970 (PL 91-604) it also reviews plans or projects which might cause significant deterioration of air quality.

IV. SIGNIFICANT DIFFERENCES IN STATUTORY AUTHORITY AND ACTUAL OPERATING RESPONSIBILITIES

The state legislation enabling boards of health gives RAPCA, as an extension of a board of health, broad authority to protect the public health and welfare. The board of health could, according to RAPCA's director, set auto emission standards, but he notes that this is an example of a regulation which is not realistic for a local health department to promulgate.

The breadth of these powers provoke, says RAPCA's director, "honest challenges" to RAPCA's enforcement efforts. This litigation seeks to delimit the board of health's, and consequently RAPCA's authority to enforce air pollution regulations. Challenges to this authority have been largely unsuccessful. RAPCA's director sees no potential conflicts with water quality-related issues arising out of any questions over RAPCA's latitude.

V. MAJOR LEGAL AND ADMINISTRATIVE CONSTRAINTS ON FINANCING AND STAFFING

The RAPCA has experienced a major financial constraint in that it is often difficult to get existing grants renewed and additional demonstration projects funded. Lack of adequate grant money, coupled with rises in the cost of living, has made RAPCA's pay scale less attractive than it was formerly. This may have some effect on the agency's ability to hire qualified personnel in the future.

A second "contraint", in one sense of the term, is the waning of interest in strong enforcement of air quality regulations. RAPCA's director noted a declining interest in environmental programs, largely as a result of conflicts over the conservation or development of energy sources. This has cut down the enthusiasm of elected officials for stiff administration and, in turn, adequate funding of air pollution related efforts.

Because of the decline, RAPCA has not mounted a full-scale program for noise abatement (although it has done some investigative work in this area), does not monitor the impact of transportation on air pollution, does not have program for environmental emergency response, and has not automated air pollution data.

The RAPCA's director sees no major changes in these directions in the next five years. Elimination of constraints, he notes, may be facilitated by either a change in state and federal policy resulting from overwhelming public demand or a change in administration.

VI. RELATIONSHIP WITH OTHER RESOURCE ORGANIZATIONS

A. Local

The RAPCA has field offices within the health departments of each county in their six-county area. There are fulltime staff members in Preble and Darke County. The contracts for providing services in the six counties specify general, on-going activities. Projects such as the incinerator in Miami County require RAPCA's approval.

B. Regional

The RAPCA has informal review and comment, approval, service delivery and planning relationships with the Miami Valley Regional Planning Commission, the Montgomery-Greene County Transportation Coordinating Committee, the Springfield-Clark County Regional Planning Commission, and the Miami Conservancy District.

C. State

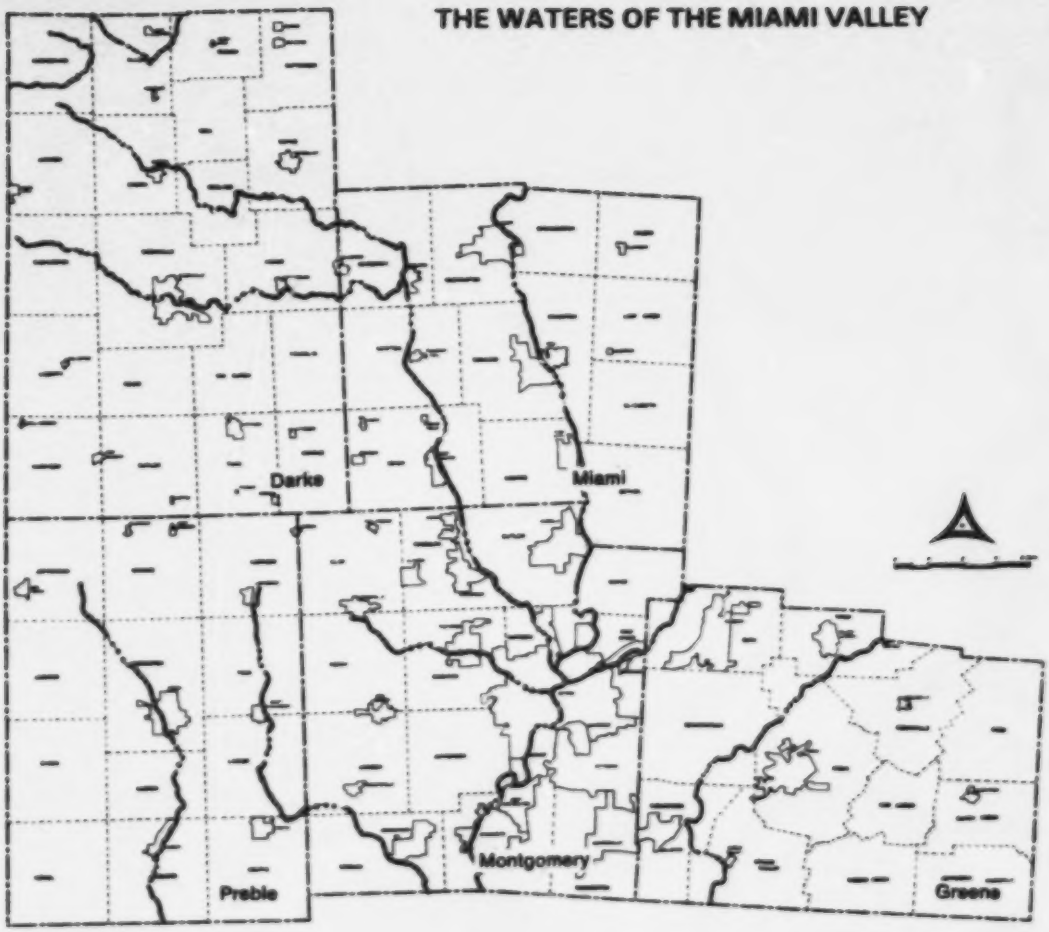
The RAPCA has formal review and comment, approval, funding service delivery and planning relationships with OEPA. It has similar, but informal relationships with the Ohio Department of Transportation. It has informal review and comment relationships with the Department of Economic and Community Development and the Department of Natural Resources.

D. Federal

The RAPCA's relationship with the U.S. Environmental Protection Agency is essentially the same as its ties to OEPA.

The RAPCA, which maintains a windspeed and directional station atop the Montgomery County Administration Building, cooperates with the U.S. Weather Bureau to identify conditions which will lead to air stagnation and, consequently, temperature inversions. RAPCA may request the U.S. Department of Transportation (DOT) to investigate complaints regarding transportation of hazardous materials such as chemicals when it believes applicable federal regulations are not being met. RAPCA's director also serves on a DOT committee which exchanges information on noise abatement. It reviews environmental impact statements prepared by the U.S. Army Corps of Engineers for adequacy of air pollution impact evaluation. Through the A-95 review process, it comments on air pollution and noise impacts due to airport expansions and therfore has an informal relationship with the Federal Aviation Administration.

THE WATERS OF THE MIAMI VALLEY



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The MIAMI VALLEY REGIONAL PLANNING COMMISSION

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What is MVRPC?

The Miami Valley Regional Planning Commission (MVRPC) is a voluntary organization created by local governments in 1964 to assist officials and citizens in better understanding common problems and various corrective courses of action. Of high concern, also, is attempting to maximize the use of our natural, fiscal and human resources. Direct service and technical assistance is provided upon request in numerous functional areas. Typical of such services are: data and information related to our Region's goals, policies and priorities.

The members of the Commission are local elected officials; therefore, directly responsible and accountable to the citizens of the region and their various units of government.

Annually, the Commission selects specific issues for investigation and evaluation. After selection, the MVRPC follows procedures allowing for participation, review and comment by representatives of all points of view, all affected levels of government, technical experts, and interested groups and individuals. The Commission then, at public meetings, debates each issue and formulates its position. Commission findings and recommendations are published for consideration by the jurisdictions making up the Commission. Implementation of recommendations only occurs when local units of government officially take action.

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